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PATENT

Docket No.: 023070-076700US

On December 4, 2009

2009 DEC 15 PM 4:20

TOWNSEND and TOWNSEND and CREW LLP

By: Annie Estenzo
Annie Estenzo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Comai, L., et al.

Application No.: 07/985,742

Filed: December 4, 1992

Patent No: 6,051,753

Issue Date: April 18, 2000

For: FIGWORT PLANT PROMOTER
AND USES

Examiner: David T. Fox

Art Unit: 1649

Confirmation Number: 6260

NOTIFICATION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR
§1.28(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on December 4, 1992, originally claimed small entity status in good faith. However, it has recently been discovered that through a license for the subject application effective November 12, 1992, the small entity status was incorrectly filed and maintained and without deceptive intent, for the payment of the filing fees and for the fees associated with the Notice of Appeal. The license to the large entity was terminated on February 28, 1998, so the small entity fees paid at the time of issuance on October 5, 1999, were correct.

The following submission and itemization are believed to meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicants

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respectfully request the deficiency payment be processed and the correct entity status be accorded to the application.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

FILING DATE OF THE FEE	TYPE OF FEE	SMALL ENTITY FEE ACTUALLY PAID	(CURRENT) LARGE ENTITY FEE FOR ACTION	DEFICIENCY PAYMENT OWED
12/04/1992	Filing/Search/Exam Fee	\$355	\$1090	\$735
12/04/1992	Excess Claim Fee (16)	\$176	\$832	\$656
12/04/1992	Multiple Dependent Claim Fee	\$115	\$390	\$275
05/20/1994	Notice of Appeal	\$135	\$540	\$405
05/20/1994	1-Month Extension of Time	\$55	\$130	\$75


TOTAL DEFICIENCY PAYMENT OWED: \$2,146.00

Applicants hereby authorize the Commissioner to deduct the total deficiency owed of \$2,146.00 from Deposit Account No. 20-1430. Please deduct any additional fees due from, or credit any overpayment to, the above-noted Deposit Account.

Applicants understand that under 37 CFR §1.28(d), this submission is treated under §1.27(g) (2) as a notification of loss of entitlement to small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415.576.0200.

Respectfully submitted,


Kevin L. Bastian
Reg. No. 34,774

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